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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,563	08/30/2001	Maria-Jose Arbulu Barturen	FR920010023US1	2529

			EXAMINER
46590	7590	05/23/2006	PHAM, CHRYSTINE

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ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr>
<td rowspan="3">Office Action Summary</td>
<td>Application No.</td>
<td>Applicant(s)</td>
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<td>09/943,563</td>
<td>BARTUREN ET AL.</td>
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<tr>
<td>Examiner</td>
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<td>Chrystine Pham</td>
<td>2192</td>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to Paper filed on March 3rd 2006. No claims have been

amended. Claims 1-17 are pending.

Response to Arguments

2.   Applicant's arguments filed March 3rd 2006 have been fully considered but they

are not persuasive.

3.   Essentially, Applicants argue that "Goiffon does not teach a system for managing

a process of **delivery/distribute of software products to target software**

product execution units" (Emphasis added)(Remarks, pages 3-5). The

Examiner respectfully disagrees.

        It is submitted that, in col.3:20-32 (under Objects of the Invention), Goiffon

explicitly teaches creating (i.e., developing) code data (i.e., software product)

packages/groups wherein the packages/groups are migrated (i.e.,

delivered/distributed) to a different platform (i.e., target software product

execution unit). Again in col.4:15-67, Goiffon explicitly teaches allowing the user

to identify software constructs in order to create packages including the identified

software constructs. The same passage again teaches migrating (i.e.,

delivering/distributing) the created software package to a new platform (i.e.,

target software product execution unit). In col.8:47-57, Goiffon explicitly teaches

building the identified elements (i.e., software constructs) into the software code

package with the Element Packager 118. Furthermore, in col.2:53-56, Goiffon

explicitly discloses **users** selecting groups of re-usable code and data modules
(i.e., software product) that can be used as an integrated package. FIG.1 &
associated text of Goiffon explicitly teaches a graphical user interface 111 (i.e.,
common workbench), which facilitates the users in creating packages. Thus,
contrary to Applicants' argument, Goiffon clearly teaches a sub/system for
distributing/delivering software products to software product execution units.

In response to Applicants' argument that **"elements** of Goiffon are objects
that contain metadata regarding various code and data components" (Remarks,
page 5, first ongoing paragraph), as discussed above, the **elements** to be
included in the Element packages are actual software constructs, and not merely
"metadata" as asserted by Applicants.

In response to Applicants' argument that "Goiffon does not teach
delivering software products to target software product execution units in a
network environment" (Remarks, page 5, Section B), again, as discussed above,
Goiffon clearly teaches "delivering software products to target software product
execution units in a network environment".

In response to Applicants' argument that "Goiffon does not teach
developing and installing a software product on a plurality of target computers"
(Remarks, page 5, Section C), it is submitted that col.8:1-17, Goiffon explicitly

discloses the GUI Common Workbench 111, which facilitates the users in

software updates installation as software updated versions of associated

software elements are being created (i.e., built). Col.9:1-7 and col.9:55-60 of

Goiffon explicitly teaches the users on different platforms (i.e., software product

execution units) using the Mission-Specific Facilities via the GUI 111 in order to

install the software packages to their specific platforms. Thus, contrary to

Applicants' argument, Goiffon clearly teaches "developing and installing a

software product on a plurality of target computers".

4.   In view of the foregoing discussion, the rejection of claims 1-17 under 35 USC

102(e) and 103(a) is considered proper and maintained.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

*(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English
language.*

6.   Claims 1, 2, 4-8, 10, 12-15, and 17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Goiffon et al. (US 6,427,230 B1; hereinafter *Goiffon*).

Claim 1

Goiffon teach an integrated data processing system (see at least *object*

management system 100 Fig.1 & associated text) for managing a process (i.e., method)

of delivery of software products (see at least *object repository, software constructs,*

packages Abstract; *export function, element, remote system* col.7:23-40; *Export*

elements, Client Server 216 col.14:20-25; *240* Fig.2B & associated text; *227* Fig.2A &

associated text) to target software product execution units in a network environment

(see at least *client server 216* Fig.2A & associated text; col.2:53-56; col.3:20-32;

col.4:15-67; col.8:47-57; FIG.1 & associated text), comprising:

  o   a central repository for storing software components at least one software

       product (see at least *object repository, software constructs, packages* Abstract;

       AIM Server 214, Element Repository 220 Fig.2B & associated text; col.12:7-15;

       col.12:23-67; *Host A 228, Memory 229* Fig.2B & associated text; *Host A 228,*

       Memory 229, data modules col.12:57-col.13:20);

  o   a first sub-system for identifying within the central repository software

       components (see at least *selecting, data modules* col.2:53-56; *users selectively*

       include, data modules col.3:1-45) of software product (see at least *integrated*

       package col.2:53-56; *creation, data packages, data modules* col.3:20-45) be

       delivered (see at least *1808, 1816* Fig.18A & associated text; col.23:1-10);

o a second sub-system for creating at least one software product package (see at least *package creation, package definition* col.4:14-67) from the identified software components identified by the first sub-system (see at least *software constructs, user interface* col.4:14-67; *Element Packager 118* Fig.1 & associated text), and

o a third sub-system for distributing the least one software product package created by the second sub-system to the target software product execution units and installing the software product package thereon (see at least *export function, element, remote system* col.7:23-40; *Export elements, Client Server 216* col.14:20-25; *240* Fig.2B & associated text; *227* Fig.2A & associated text; col.2:53-56; col.3:20-32; col.4:15-67; col.8:47-57; FIG.1 & associated text).

Claim 2

The rejection of base claim 1 is incorporated. *Goiffon* further teach a software package distribution repository for storing the at least one software product package created by the second sub-system from the identified software components (see at least *1024* Fig.10 & associated text; *1808, 1816* Fig.18A & associated text; *1828* Fig.18B & associated text; *Create Elements, Update element* col.14:54-63).

Claim 4

The rejection of base claim 1 is incorporated. *Goiffon* further teaches first sub-system manages storage in the central repository of the software components software

product to be delivered (see at least *object repository, software constructs, packages* Abstract).

Claim 5

The rejection of base claim 1 is incorporated. *Goiffon* further teach a fourth sub-system for performing a building process of software code components among the identified software components of the software product be delivered (see at least *interdependencies, group modules, packages* col.2:22-47; *package creation, software constructs, interdependencies* col.4:14-67; *data components, Element Packager 118, build, identified elements* col.8:47-67), the fourth sub-system storing result of building process in the central repository (see at least *object repository, software constructs, packages* Abstract).

Claim 6

The rejection of base claim 1 is incorporated. *Goiffon* further teach a fifth sub-system managing a process applying changes (i.e., new version) to at least one software product distributed by the third sub-system (see at least *package objects, forming relationships, interdependencies* col.5:30-40; *package, renovation operation* col.4:15-25; *data modules, functional unit, renovation operations* col.3:39-45; *renovation, tools, new versions* col.8:1-17).

Claim 7

The rejection of base claim 1 is incorporated. *Goiffon* further teach a sixth sub-system for recording information provided by at least one of the first through fifth sub-systems the integrated data processing system during delivery of the software product (see at least *227* Fig.2A & associated text; *240* Fig.2B & associated text).

Claim 8

Claim recites a method for delivering software products to target software product execution units in a network environment as have been addressed in claim 1, therefore, is rejected for the same reasons as cited in claim 1.

Claim 10

The rejection of base claim 8 is incorporated. Claim recites limitations, which have been addressed in claim 2, therefore, is rejected for the same reasons as cited in claim 2.

Claim 12

Goiffon teach a method of developing and installing a software product on a plurality of target computers (see at least *object repository, software constructs, packages* Abstract; *export function, element, remote system* col.7:23-40; *Export elements, Client Server 216* col.14:20-25; *240* Fig.2B & associated text; *227* Fig.2A & associated text), the method comprising:

o   storing a plurality of components in a central repository (see "central repository"

     claim 1);

o   using at least some of the plurality of stored components to build the software

     product (see "second sub-system" claim 1);

o   storing the built software product in the central repository (see "software product

     package distribution repository" claim 2)

o   creating an installable software package that includes at least some of the

     plurality of components and the built software product (see "third sub-system"

     claim 1);

o   storing the installable software package in a second repository;

o   distributing the installable software package to at least some of the plurality of

     target computers (see "target software product execution units", "third sub-

     system" claim 1);

o   installing the distributed installable software package on the at least some of the

     plurality of target computers (see "target software product execution units", "third

     sub-system" claim 1);

Claim 13

The rejection of base claim 12 is incorporated. *Goiffon* further teach wherein

software product comprises a newly developed software product (see at least *package*

objects, forming relationships, interdependencies col.5:30-40; *package, renovation*

operation col.4:15-25; *data modules, functional unit, renovation operations* col.3:39-45;

renovation, tools, new versions col.8:1-17).

Claim 14

The rejection of base claim 12 is incorporated. Claim recites limitations, which

have been addressed in claim 6, therefore, is rejected for the same reasons as cited in

claim 6.

Claim 15

The rejection of base claim 12 is incorporated. *Goiffon* further teach recording

information regarding the software product in a tracking sub-system (see at least *object*

repository, software constructs, packages Abstract).

Claim 17

The rejection of base claim 12 is incorporated. *Goiffon* further teach providing a

configuration management subsystem that controls and manages different versions of

the software components stored in the central repository (see at least *groups of re-*

usable code, data modules, other groups col.3:15-20; *updated versions, associated*

elements, interrelated, Element Inventory col.8:10-17).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.*

8.   Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Goiffon in view of Apfel et al. of record (US 5974454, hereinafter *Apfel*).

Claim 3

The rejection of base claim 1 is incorporated. *Goiffon* further discloses the third

sub-system distributes the at least one software product package to target software

product execution units belonging to at least one environment (see at least *different*

operating environment col.8:58-67). *Goiffon* does not expressly disclose said

environment according (i.e., matching) to at least one role assigned to the at least one

software product package. However, *Apfel* teaches assigning (i.e., associating) each

software product package with a role (i.e., environment or operating system) and

distributing said package to target software product execution units belonging to an

environment according (i.e., matching) said role (e.g., see *configuration of computer 20,*

different upgrade package col.6:65-67; *type of operating system, upgrade package*

URL, query col.8:52-9:5; col.9:35-42). *Goiffon* and *Apfel* are analogous art because

they are directed to distributing software packages. It would have been obvious to one

of ordinary skill in the art at the time of the invention to incorporate the teaching of *Apfel*

into that of *Goiffon* for the inclusion of assigning (i.e., associating) a role (i.e., operating

system) for each software package and distributing said package to target execution

units belonging to an environment according (i.e., matching) said role. And the

motivation for doing so would have been to provide software packages to a variety of

execution units belonging to different operating systems (see at least *Apfel* col.9:30-45).

Claim 9

The rejection of base claim 8 is incorporated. Claim recites limitations, which

have been addressed in claim 3, therefore, is rejected for the same reasons as cited in

claim 3.

9.   Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over *Goiffon* in view of Albright et al. of record (US 6110228, hereinafter

Albright).

Claim 11

The rejection of base claim 10 is incorporated. *Goiffon* does not expressly

disclose building source code components and storing the result of building in the

central repository. However, *Albright* discloses a system and method of distributing

executable code to client computers, wherein the source code components are built and

the result is store in the central repository (see at least *service site, executable code,*

source code Abstract). *Goiffon* and *Albright* are analogous art because they are both

directed to distributing and installing software in target computers. It would have been

obvious to one of ordinary skill in the pertinent art at the time the invention was made to

incorporate the teaching of *Albright* into that of *Goiffon* for the inclusion of

generating/building execution code from source code components stored in central

repository. And the motivation for doing so would have been to eliminate the necessity

of including within the software upgrade (to be distributed and installed in target

computers) many lines of [source] code that are dedicated only to permitting the target

computers to add software upgrade, thus improving the efficiency of the upgrading

process (see *Albright* col.3:1-30).

Claim 16

The rejection of base claim 12 is incorporated. *Goiffon* does not expressly

disclose wherein the built software product comprises execution code that is generated

from a source code component stored in the central repository. However, *Albright*

discloses a method of installing updated executable code (i.e., built software product) in

target computers wherein the executable code is generated from a source code

component stored in the central repository (see *central software service site, customer,*

remote location, updated executable code, installing fixes, source code, program

product in Abstract). *Goiffon* and *Albright* are analogous art because they are both

directed to distributing and installing software in target computers. It would have been

obvious to one of ordinary skill in the pertinent art at the time the invention was made to

incorporate the teaching of *Albright* into that of *Goiffon* for the inclusion of generating

execution code from source code stored in central repository. And the motivation for

doing so would have been the same as has been cited for claim 11.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chrystine Pham whose telephone number is

571.212.3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Q Dam can be reached on 571.272.3695. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

CP
May 9, 2006

TUAN DAM
SUPERVISORY PATENT EXAMINER